

# **EXHIBIT 4**

Cardwell Supplemental EEOC Charge (April 27, 2018)

# CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

FEPA

EEOC

CHARGE NUMBER

EEOC Charge No. 520-2017-03247

## NYC Human Rights Commission and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Mr. Kaloma Cardwell

HOME TELEPHONE (Include Area Code)

STREET ADDRESS

CITY, STATE & ZIP CODE

New York, NY

DATE OF BIRTH

NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Davis Polk & Wardwell LLP

NUMBER OF EMPLOYEES, MEMBERS

900+

TELEPHONE (Include Area Code)

212-450-4000

STREET ADDRESS CITY, STATE, AND ZIP CODE

450 Lexington Avenue, New York, NY 10017

COUNTY

New York

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE, ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE

COLOR

SEX

RELIGION

AGE

RETALIATION

NATIONAL  
ORIGIN

DISABILITY

OTHER

DATE DISCRIMINATION TOOK PLACE

EARLIEST (ALL)

LATEST (ALL)

February 8, 2018

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet (s)):

Please see attached.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure.

I declare under penalty of perjury that the foregoing is true and correct.

4/25/18

Date

*[Signature]*

Charging Party (Signature)

\*NOTARY - (When necessary for State and Local Requirements)

*[Signature]*  
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Day, month, and year)

25<sup>th</sup> day of April 2018

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### **Introduction**

1. My name is Kaloma Cardwell, and I am an African American/Black male.
2. On August 3, 2017, I filed a charge of discrimination with the EEOC against my employer, Davis Polk & Wardwell LLP ("DPW" or "the Firm") (EEOC Charge No. 520-2017-03247).
3. As outlined in my initial charge, DPW has discriminated against me because of my race and has retaliated against me because I complained about racial discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e et seq. and the New York City Human Rights Laws, N.Y.C. Admin. Code §§ 8-101 *et seq.*

### **DPW Continued to Retaliate Against Me After I Filed the Charge of Discrimination and Eventually Terminated My Employment**

1. In the months after I filed the charge of discrimination against DPW, the Firm has continued to discriminate and retaliate against me.
2. Since I filed my EEOC charge, the Firm has continued to fail to staff me on Mergers & Acquisitions ("M&A") deals at the same rate as my peers and has not given me assignments consistent with my experience and skills.
3. On January 11, 2018, just one day after my attorneys submitted on my behalf a written rebuttal to DPW's Answer and Position Statement, DPW conducted my annual review and gave me a negative performance evaluation. DPW's negative performance evaluation was contrary to real-time feedback DPW partners had given me during the periods covered in the annual review. In my review meeting, DPW told me that staffing me would be "challenging."
4. On February 8, 2018, I met with two DPW partners, an M&A partner and a co-chair of the M&A practice group, to discuss the Firm's purported inability to staff me. During that meeting, the co-chair notified me that DPW would be terminating my employment in May 2018. In the course of this conversation, the co-chair acknowledged that my departure was "not a good situation" and that what was happening to me at DPW was not good for me, stating: "We don't feel good about this. Okay? I wish this had been a much better experience and that it wasn't ending this way. [ . . . ] That's my personal view. You probably are very unhappy. [ . . . ] If I were you I would be furious and unhappy and bitter. [ . . . ] You may highly resent any number of us, including me."
5. Accordingly, I charge DPW with violating my rights under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e et seq. and the New York City Human Rights Laws, N.Y.C. Admin. Code §§ 8-101 *et seq.*

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6. DPW's treatment of me is consistent with its treatment of other Black attorneys and workers who have worked or currently work at the Firm, and accordingly, I file this charge on behalf of myself and all others similarly situated.

7. I swear under penalty of perjury that I have read the above charge and that it is true and correct to the best of my knowledge, information and belief. This charge is not intended to be exhaustive, but it is representative of the treatment to which DPW has subjected me.